

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

v.

[1] Asha Nateef Tribble,  
[2] Donald Keith Ellison,  
[3] Jovanda R. Patterson

Defendant.

CRIMINAL NO. 19-541 (FAB-2)

**INFORMATIVE MOTION FOR EXTENSION OF TIME  
TO FILE BILL OF PARTICULARS**

**TO THE HONORABLE COURT:**

COMES NOW Defendant Donald Keith Ellison, by and through the undersigned attorneys and before this Honorable Court respectfully states and prays as follows:

1. One September 3, 2019, a fifteen count indictment was returned by the grand jury and an arrest warrant was issued for [2] Donald Keith Ellison.
2. On September 23, 2019, [2] Donald Keith Ellison's initial appearance, arraignment, and bail hearing were held. On September 30, 2019, the government filed a "Motion for a Protective Order," requesting the Court issue a protective order prior to producing any discovery. Dkt No. 38. The Court signed the protective order on October 15, 2019. Dkt No. 58.

3. A status conference was held on October 18, 2019, whereby the Government indicated that discovery in this case was “voluminous,” and provided the first of multiple discovery packages. Dkt. No. 59. The government also indicated that it had additional discovery packages that were not ready at that time.

4. At the status conference, the Court also set a date of December 10, 2019, by which defendants should file a bill of particulars.

5. On October 24, 2019, the government made available a second discovery package.

6. The first discovery package contained approximately 284 gigabytes of data, containing approximately 129,418 raw files. The second discovery package contained approximately 265 gigabytes of data, and approximately 309,529 raw files. This comprises approximately 437,300 documents after extracting mailbox files and removing duplicate emails,. Notably, this does not include those files contained on an imaged laptop (173 gigabytes of information), nor does it include the numerous iPhone and iCloud data collections, which comprise many tens of thousands of files (or PDF pages depending on which review platform is used).

7. On November 25, 2019, the government made available a third discovery package, containing surveillance video and additional agency records.

8. Although the government has produced a significant amount of data, it has not yet completed the entirety of its discovery obligations and has indicated that there is additional material that still needs to be produced. Counsel for Defendant [2] Donald

Keith Ellison have reviewed a large quantity of the provided materials, including many thousands of emails, witness statements, video files, text messages, image files, etc. At this time, however, counsel's ability to adequately address a motion for a Bill of Particulars is incomplete in light of the outstanding discovery items (notwithstanding the magnitude of the amount of discovery).

9. Citing similar reasoning, on December 4, 2019, Defendant [1] Ahsha Nateef Tribble filed a second Motion for Extension of Time to File Bill of Particulars requesting 60 days after the government certified all discovery has been produced. Dkt No. 67.

10. The Court denied that motion without prejudice, indicating that a firm date was needed, and that "[o]nce the government has disclosed all discovery, defendant may renew her motion for a bill of particulars." Dkt No. 69

11. In light of counsel's inability to file a motion for a Bill of Particulars at this stage, as well as the inherent inefficiency in filing multiple motions (or not needing to entirely), Defendant [2] Donald Keith Ellison respectfully requests an extension of time until January 10, 2020, to file a motion requesting a Bill of Particulars. Between December 10, 2019 and that time, counsel for the defendants will seek all additional discovery from the government and work towards completing review of the provided material.

**WHEREFORE**, Defendant respectfully requests that this Honorable Court **GRANT** the Defendant an extension of time until January 10, 2019 to file a motion for a

Bill of Particulars, if needed. Motion for a Protective Order and issue an order in substantially similar form to the proposed protective order attached hereto as Exhibit A.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 10th day of December 2019.

**MELENDEZ TORRES LAW**

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**CERTIFICATION**

**IT IS HEREBY CERTIFIED** that on this same date I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s Thomas W. Rinaldi  
Thomas W. Rinaldi